

LEWIS  
ANDROCA  
LLP

LAWYERS

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3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Facsimile (702) 949-8321  
Telephone (702) 949-8320

40 North Central Avenue, Suite 1900  
Phoenix, Arizona 85004-4429  
Facsimile (602) 734-3824  
Telephone (602) 262-5756

Susan M. Freeman AZ State Bar No. 004199  
Email: [sfreeman@lrlaw.com](mailto:sfreeman@lrlaw.com)  
Rob Charles NV State Bar No. 006593  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
John Hinderaker AZ State Bar No. 018024  
Email: [jhinder@lrlaw.com](mailto:jhinder@lrlaw.com)

Attorneys for USACM Liquidating Trust

### UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

#### CHAPTER 11

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**STIPULATION TO (1) SUSTAIN  
USACM LIQUIDATING TRUST'S  
OMNIBUS OBJECTION TO  
CLAIMS ASSERTING  
ADMINISTRATIVE STATUS AS IT  
PERTAINS TO GOOLD  
PATTERSON'S CLAIM NO. 10725-  
00761 AND (2) ALLOW THE  
REMAINDER OF CLAIM NO. 10725-  
00761 AS A GENERAL UNSECURED  
CLAIM IN THE AMOUNT OF  
\$65,496.10**

USACM Liquidating Trust (the "USACM Trust"), by and through its counsel,  
Lewis and Roca LLP, and Goold Patterson Ales & Day ("Goold Patterson") on its own  
behalf, hereby stipulate:

LEWIS  
AND  
ROCA  
LLP  
ATTORNEYS

1           1.       Goold Patterson filed Proof of Claim No. 10725-00968 on November 3,  
2       2006, in the amount of \$79,372.96 and Proof of Claim No. 10725-00761 on November 9,  
3       2007, also in the amount of \$79,372.96. These Proofs of Claim are identical and  
4       duplicative. They assert a \$65,496.10 general unsecured claim for legal services rendered  
5       pre-petition and a \$13,876.86 administrative claim for legal services rendered post-  
6       petition.

7           2.       On March 23, 2007, the USACM Trust filed its Omnibus Objection to  
8       Claims Asserting Administrative Expense Status (the "Objection") [DE 3253], which,  
9       among other things, objected to the administrative expense portion of Claim No. 10725-  
10      00761.

11          3.       On April 16, 2007, Goold Patterson filed its Response to the Objection  
12      [DE 3451].

13          4.       By Order dated April 30, 2007, the Hon. Linda B. Riegle reassigned Claim  
14      No. 10725-00761 to the Hon. Mike K. Nakagawa [DE 3626].

15          5.       The USACM Trust and Goold Patterson have agreed to resolve the  
16      Objection and approve a portion of Proof of Claim No. 10725-00761 and, therefore,  
17      stipulate as follows:

- 18               • That a portion of the Objection be sustained as it applies to Goold  
19               Patterson's Proof of Claim No. 10725-00761;
- 20               • That the administrative expense portion of Goold Patterson's Claim No.  
21               10725-00761 in the amount of \$13,876.86 be disallowed;
- 22               • That the remainder of Goold Patterson's Claim No. 10725-00761 be  
23               allowed as a general unsecured claim in the amount of \$65,496.10;
- 24               • That USACM Trust retains all set off rights against Goold Patterson and  
25               by entering into this stipulation and order USACM Trust is not releasing  
26               any claims that it may have against Goold Patterson;

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

LEWIS AND ROCA LLP

By: /s/ RC (#6593)

Susan M. Freeman, AZ 4199 (*pro hac vice*)


Rob Charles, NV 6593

John Hinderaker, AZ 18024 (*pro hac vice*)

*Counsel for USACM Liquidating Trust*

-and-

GOOLD PATTERSON ALES & DAY

By:   
Kelly J. Brinkman  
Goold Patterson Ales & Day  
4496 South Pecos Drive  
Las Vegas, NV 89121-5030